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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2091

KETURAH CHARMELE GREEN
965 Rohwer Court
Dixon CA 95620

A C C U S A T I O N

Respiratory Care Practitioner License No. 20709

Respondent.

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs.

2. On or about April 9, 1999, the Respiratory Care Board issued Respiratory Care Practitioner License Number 20709 to Keturah Charmel Green (Respondent). The Respiratory Care Practitioner License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2009, unless renewed.

JURISDICTION

3. This Accusation is brought before the Respiratory Care Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 3710 of the Code states: “The Respiratory Care Board of
3 California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter
4 8.3, the Respiratory Care Practice Act].”

5 5. Section 3718 of the Code states: “The board shall issue, deny, suspend,
6 and revoke licenses to practice respiratory care as provided in this chapter.”

7 6. Section 3750 of the Code states:

8 “The board may order the denial, suspension or revocation of, or the imposition of
9 probationary conditions upon, a license issued under this chapter, for any of the following
10 causes:

11 “(d) Conviction of a crime that substantially relates to the qualifications,
12 functions, or duties of a respiratory care practitioner. The record of conviction or a
13 certified copy thereof shall be conclusive evidence of the conviction.”

14 (g) Conviction of a violation of any of the provisions of this chapter or of any
15 provision of Division 2 (commencing with Section 500), or violating, or attempting to
16 violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to
17 violate any provision or term of this chapter or of any provision of Division 2
18 (commencing with Section 500).”

19 7. Section 3752 of the Code states:

20 “A plea or verdict of guilty or a conviction following a plea of nolo contendere
21 made to a charge of any offense which substantially relates to the qualifications,
22 functions, or duties of a respiratory care practitioner is deemed to be a conviction within
23 the meaning of this article. The board shall order the license suspended or revoked, or
24 may decline to issue a license, when the time for appeal has elapsed, or the judgment of
25 conviction has been affirmed on appeal or when an order granting probation is made
26 suspending the imposition of sentence, irrespective of a subsequent order under Section
27 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to
28 enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the

1 accusation, information, or indictment.”

2 8. Section 3752.5 of the Code states:

3 “For purposes of Division 1.5 (commencing with Section 475), and this chapter
4 [the Respiratory Care Practice Act], a crime involving bodily injury or attempted bodily
5 injury shall be considered a crime substantially related to the qualifications, functions, or
6 duties of a respiratory care practitioner.”

7 9. California Code of Regulations, title 16, section 1399.370, states:

8 “For the purposes of denial, suspension, or revocation of a license, a crime or act
9 shall be considered to be substantially related to the qualifications, functions or duties of
10 a respiratory care practitioner, if it evidences present or potential unfitness of a licensee to
11 perform the functions authorized by his or her license or in a manner inconsistent with the
12 public health, safety, or welfare. Such crimes or acts shall include but not be limited to
13 those involving the following:

14 “(a) Violating or attempting to violate, directly or indirectly, or assisting or
15 abetting the violation of or conspiring to violate any provision or term of the Act.”

16 COST RECOVERY

17 10. Section 3753.5, subdivision (a) of the Code states:

18 "In any order issued in resolution of a disciplinary proceeding before the board,
19 the board or the administrative law judge may direct any practitioner or applicant found to have
20 committed a violation or violations of law to pay to the board a sum not to exceed the costs of the
21 investigation and prosecution of the case."

22 11. Section 3753.7 of the Code states:

23 "For purposes of the Respiratory Care Practice Act, costs of prosecution shall
24 include attorney general or other prosecuting attorney fees, expert witness fees, and other
25 administrative, filing, and service fees."

26 12. Section 3753.1 of the Code states:

27 "(a) An administrative disciplinary decision imposing terms of probation may
28 include, among other things, a requirement that the licensee-probationer pay the monetary costs

1 associated with monitoring the probation. "

2 FIRST CAUSE FOR DISCIPLINE

3 (Conviction)

4 13. Respondent is subject to disciplinary action under sections 3750(d),
5 3750(g), 3752, and 3752.5 in that she was convicted of violating Penal Code section 273.5(a),
6 willful infliction of corporal injury, a felony.

7 14. On or about June 8, 2006, San Jose Police Officer Pettijean investigated a
8 call regarding a domestic violence incident. Officer Pettijean interviewed the victim, K.S., who
9 stated that earlier that evening, respondent assaulted him. K.S. and respondent were in a dating
10 relationship for about two months. On the morning of June 8, 2006, K.S. ended the relationship.
11 Respondent telephoned K.S. repeatedly throughout the day, and was verbally abusive. K.S. had
12 given the cellular phone to respondent, and he called the provider and canceled the service for
13 her phone.

14 15. On June 8, 2006, at about 6:30 p.m., K.S. was at home in an upstairs
15 bedroom, when he heard someone walking up the stairs. He walked out of the room, and
16 respondent swung a shovel handle at him, striking him three times on his forearms as he held his
17 arms up to defend himself. He was able to take the shovel handle away from her, and tried to
18 calm her down. She then took out a knife and swung it at him, saying repeatedly, "I'm going to
19 kill you" and "I'm gonna stab you." At one point, she kicked a hole in his bedroom door. K.S.
20 took the knife away from respondent but received a small cut on his right forearm. K.S.'s brother
21 arrived at the home, and helped K.S. calm respondent down. She left the residence, but returned
22 about a half hour later in her car. At this point, K.S. was outside, standing by his car.
23 Respondent tried to run K.S. down with her car.

24 16. On July 24, 2006, a felony criminal complaint titled *People of the State of*
25 *California vs. Keturah Charmel Green*, case no. CC636226 was filed in Superior Court, Santa
26 Clara County, San Jose Facility. Count 1 charged respondent with violating Penal Code section
27 245(a)(1), a felony, assault with a deadly weapon. Count 2 charged respondent with violating
28 Penal Code section 242-243(e), battery on spouse, cohabitant, or dating relationship, a

1 misdemeanor. Count 3 charged respondent with violating Penal Code section 594(a)(b)(2)(A),
2 vandalism under \$400.00, a misdemeanor.

3 17. On December 20, 2006, the District Attorney added Count 4, Penal Code
4 section 273.5(a), a felony, willful infliction of corporal injury. Respondent was convicted on her
5 plea of nolo contendere to Penal Code section 273.5(a), and counts 1, 2 and 3 were dismissed.
6 On January 19, 2007, respondent was sentenced to three years formal probation, and ordered to
7 perform forty hours volunteer work as directed by her Probation Officer. She was ordered to
8 attend a substance abuse course and submit to psychological testing, and ordered to pay fines.

9 18. Therefore, respondent's license is subject to discipline based on her felony
10 conviction of Penal Code section 273.5(a), which is substantially related to the practice of
11 respiratory care.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein
14 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

15 1. Revoking or suspending Respiratory Care Practitioner License Number
16 20709, issued to Keturah Charmel Green.

17 2. Ordering Keturah Charmel Green to pay the Respiratory Care Board the
18 costs of the investigation and enforcement of this case, and if placed on probation, the costs of
19 probation monitoring;

20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: July 10, 2007

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24 Original signed by Liane Zimmerman for:
25 STEPHANIE NUNEZ
26 Executive Officer
27 Respiratory Care Board of California
28 Department of Consumer Affairs
State of California
Complainant